

men, \$20 per acre - 400,000
To the Anti-Slavery cause, over - 50,000

He has now pledged a fund for education, double the sums already bestowed. Mr. Smith's father, a man with John Jacob Astor in the fur trade. He has owned near two million acres of land of the Six Nations since the right to sell was taken from them by the State. They are in central and northern New York—a large tract in Madison county and at Oswego and vicinity.

WASHINGTON, D. C.

THURSDAY, SEPTEMBER 13, 1855.

EUROPEAN AGENCY FOR THE ERA.

L. A. Chamorro, Esq., 27 New Broad street, London, England, has kindly consented to act as agent for the *National Era* in Great Britain and Europe.

FACTS FOR THE PEOPLE.—The September number of this cheap monthly publication has been mailed to subscribers, and will be found a very valuable number for general circulation. The following is the table of contents:

Slavery in the District of Columbia.
With Democracy.
Southern Demands.
The Case Stated.
Legislation in Kansas.
Texas Politics.
The Republican Movement.—The True Party.
Pennsylvania and Kansas.—Judge Kane.
The Election of the next President.
Slavery in Maryland.

Senator Benjamin repudiates Know Nothingism and Whigery.

We desire to call the particular attention of our friends to the importance of giving, at this important crisis in our political affairs, a very wide and general circulation to this monthly compilation of valuable political and statistical matter. The very low price at which it is published puts it within the reach of every Anti-Slavery man in the country to aid in its circulation. Back numbers can be supplied. We herunto annex the terms:

Six copies to one address - \$1.00
Postage, copies to one address - 25c
Fifty copies to one address - 50c
The postage is a trifle—only half a cent a number, or six cents a year, paid in advance at the office where the paper is received.

To one address—whenever possible; where subscribers cannot be obtained in this way, we waive the rule, and send to individuals.

THE DECLARATION OF INDEPENDENCE IN VIRGINIA.

The following paragraph shows the contempt into which the principles of Republican Freedom have fallen in Virginia. The *Examiner* claims to be a Democratic organ, and we believe faithfully reflects the prevalent sentiment among the slaveholding interest. It will be seen that it holds up the Declaration of Independence, the corner stone of our Republican Institutions, to the scorn and laughter of its aristocratic readers. It adopts the same weapons of irony and ridicule for sapping the foundation of the political faith of the People, which Tom Paine and Voltaire used in the vain effort to undermine their religious convictions. How can the *Examiner* pretend to charge the North with disloyalty to the Constitution, with a violation of plighted faith, and with a design to pervert the Government from its original purpose, at the very moment that it thus openly repudiates and derides the principles of Freedom on which the Constitution and Government were founded? The editor of that journal is ostentatious of his candor and independence in the avowal of his obnoxious principles, and in following them to their logical consequences; but he has one step further to take, to be thoroughly frank and fair in discussing the subject. He should not charge the North with an attempt to pervert the Federal Government from the objects contemplated by its original founders, but he should candidly avow that the ruling class in the South have abandoned the principles of their ancestors, and repudiated the bargain they made with the North, in forming a Constitution on the basis of Universal Freedom. The following article is a tacit admission of this change of position on the part of the slaveholding class; and the *Examiner* cannot keep up its high pretensions to candor, while it persists in charging the North with perverting the Constitution. We ask the *Examiner* if the Declaration of Independence is not the foundation on which the Constitution is built? Were not the framers and ratifiers of the Constitution actuated by the same love of Universal Freedom which inspired the authors of the Declaration? Were they not in great part the same men? And was the struggle of seven years with the Tory despotism which ruled England calculated to weaken the attachment of the patriots of the Revolution to the principles of Freedom? Will the *Examiner* answer these questions? If the editor will do so within a reasonable compass, we promise to lay his exposition before the hundred thousand readers of the *National Era*, so that they shall have every opportunity of correcting their misconceptions of the Constitution by the touchstone of Virginia orthodoxy.

Our position is simply this: That the Declaration of Independence, which proclaims that "all men are born free and equal," and the Constitution, which was formed "to establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity;" which guarantees the trial by jury and the writ of *habeas corpus*; which declares that "no person shall be deprived of life, liberty, or property, without due process of law;" which studiously refrains from the use of the words "slave and slavery," and which nowhere indirectly refers to slaves except as persons—are one in spirit and purpose, and that the law-makers and expounders of the Constitution should interpret its meaning with a constant reference to the principles of the Declaration. Does the *Examiner* controvert this position?—and so, on what grounds?

The following is the article referred to:

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A humorous friend related to us, the other day, the following anecdotes, which, if not veritable, are at least *praiseworthy*.

During the Revolution, an officer, on his way to join Washington at Morristown, met a soldier in the rear, who, with a pistol in his hand, said to him, "I am here to avenge the wrongs of the field of battle." He asked him where he had been, and he replied, "In pursuit of happiness," which certainly was not to be found in the direction of the British cannon—that the Declaration of Independence taught him life, liberty, and the pursuit of happiness were inalienable rights. He therefore had a right to quit when he pleased, and was not bound to jeopardize or yield his life on contract, the contract being originally null and void. The officer let him pass, because he had done his duty.

In a certain room in the West India attorney's, instead that the offence was not punishable, because it was committed in the eager "pursuit of happiness" which was an "inalienable right." The Judge called him to order, telling him that the Declaration of Independence was fine sentiment, but bad law; and law, like law, cited the Declaration of Independence as legal authority should be subject to fine at the discretion of the court.—*Richmond Examiner*.

We presume that the Western Judge referred to above must have been Judge Stringfellow, or perhaps the Judge Lynch who recently sentenced the Rev. Mr. Butler to be blacked and

set adrift on the Missouri river, for the offence of saying that he would vote to make Kansas a Free State.

EMANCIPATION.

The *Richmond Enquirer* of Thursday, 6th September, says:

"We are happy to find that others of our contemporaries are willing to discuss the true and great question of the time—the existence of Slavery as a permanent institution in the South. Every moment's additional reflection but convinces us of the absolute impracticability of the Southern position on this subject. Facts, which cannot be questioned, come thronging in support of the true doctrine—that Slavery is the best condition of the black race in this country, and that the true philanthropists should rather desire that race to remain in a state of servitude than to become free, with the privileges of becoming worthless. Wherever the experiment has been made of liberating the slaves on any large or extensive scale, it has lamentably failed. Not an example can be cited of the country, the state, or the nation, where we are justified in the belief that were this course pursued in relation to our own negroes—were they removed from contact with the whites—they would relapse into barbarism. Individual cases of emancipation, even with the surrounding influence of civilization and in the daily intercourse with a superior and enlightened race, have failed thus far to effect any good purpose. The Virginians need not be told that, as a class, there is not a more worthless or dissolute set of men than these free negroes. Our slaves, however, are most of them with contempt and spite of their masters. They deserve it. There are some few honorable exceptions—but, as a class, they are the most despicable characters our State contains. This is not peculiar to Virginia. In the Northern States as well as in the Southern—indeed, everywhere—this is the true state of facts; and we were not surprised, therefore, to see a *free* State refuse admission to the Randolph negroes. Without, then, going the length of declaring that Slavery in the *abstract*, Slavery everywhere, is a blessing to the laboring classes, as we may candidly and calmly, and upon the strength of the *facts*, do. Let us, then, to the black race of the Union it is a blessing, and perhaps the greatest blessing we can now confer upon them? It is in fact the only condition for which they are now fitted—and they who are endeavoring to thrust them into another, are but feeding them 'with apples of Sodom.'

Mr. Sumner and Mr. Emerson have thrown out the idea that the resources of the Federal Government may, with the consent of the South, be employed to solve the problem of Slavery; and we believe that Mr.eward is not unfavorable to the notion. We believe, that while a deliberate proposition of the kind would encounter opposition in the ranks of the Anti-Slavery men, it would meet with general favor in the free States. A few days ago, we saw a suggestion of the kind in the *Philadelphia Inquirer*, a conservative Whig paper. The idea is worthy of serious consideration; and it may be found practicable, in the eloquent language of Mr. Sumner, to span with a bridge of gold the chasm which divides the North from the South.

The following is the article referred to: From the *Journal of Commerce*.

EFFECTS OF EMANCIPATION IN THE W. INDIES.

Some weeks since, there appeared in the *Journal of Commerce* two communications on the above subject, from "Northerner," to which my attention has been directed.

The subject is one of surpassing moment, and more pregnant than ever with danger to the best interests of this country, from the recklessness manner in which it is discussed by violent men on both sides—in the North, and in the South.

"Northerner" and other writers illustrate their arguments against emancipation, by reference to the present condition of Hayti and Jamaica, and, in my belief, without correctly appreciating the causes which have conducted to the prostration of the latter island.

One correspondent says: "Hi! (the negro) has no master, and is making himself free, and, under no obligations to himself or others, soon lost all desire of self-cultivation; if he had any, or to cultivate the soil; and he has yearly degenerated, until now he is lower in the scale of humanity than those of his own people who roam the deserts of Africa."

Jamaica is a perfect *terra incognita* to "Northerner," or he would not suffer such traddle.

Unfortunately for the planters, the great passion of the majority of the Jamaica negroes is for the cultivation of the soil—*of their own freehold*, and for the benefit of themselves, as slaves, they had liberty to cultivate the ground, and to sell the produce on their own account. With

"To one address"—whenever possible; where subscribers cannot be obtained in this way, we waive the rule, and send to individuals.

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WASHINGTON, D. C.

PETITION OF PASSMORE WILLIAMSON.

The introductory portion of the Petition of Passmore Williamson to the Supreme Court of Pennsylvania, for the writ of *habeas corpus*, recites the circumstances attending the alleged abduction of Wheeler's slaves, and proceeds in the following conclusive manner to state the grounds of the application:

Notwithstanding the record is silent on the subject, your Petitioner thinks it proper to state that, on the return of the writ of *habeas corpus*, the Judge allowed the relator to traverse the said return by parol, under which permission the relator gave his own testimony, in which he stated that he held the said Jane, Daniel, and Isiah, as slaves, under the law of Virginia, and that he had brought them with him, by railroad, from the city of Baltimore to the city of Philadelphia, where he had been accidentally detained at Bloomsburg Hotel about three hours; and certain other witnessess examined. From the testimony thus given, though not at all warranted by it or the facts, the said Judge decided that your Petitioner had been concerned in a forcible abduction of the said Jane, Daniel, and Isiah, against their will and consent, upon the deck of the said steamboat, but admitting that your Petitioner took no personally active part in such supposed abduction, he had left the deck.

The hearing was adjourned to the morning of Friday, the 20th of July, at 10 o'clock, your Petitioner having had the first knowledge of the existence of any writ of *habeas corpus* before 1 and 2 o'clock on the same morning. Under these circumstances, before the said testimony was given, and afterwards, the counsel of your Petitioner asked for time, until the next morning, for consultation and preparation for the argument of the questions which might arise in the case, which applications were refused by the Court, and the hearing went on, and closed on the same morning between 12 and 1 o'clock.

On Tuesday, the 21st July, 1855, your Petitioner presented to the Hon. Chief Justice of this court a petition for a *habeas corpus*, which was refused.

Inasmuch as your Petitioner is thus deprived of his liberty for an indefinite time, and possibly for his life, as he believes illegally; inasmuch as he is a native citizen of Pennsylvania, and claims that he has a right to the protection of the Commonwealth, and to have recourse to her courts for enlargement and redress, he begs leave respectfully to state some of the grounds on which he conceives that he is entitled to the relief which he seeks.

Whatever may be the view of the Court as to the probability of his discharge on a hearing, your Petitioner respectfully represents that he is clearly entitled to have a writ of *habeas corpus* granted, and to be thereupon brought before the Court. Upon this subject, the Pennsylvania *habeas corpus* act is imperative. Indeed

as the question of the sufficiency of the cause of his detention directly concerns his personal liberty, any law which should fail to secure to him the right of personal presence at its argument and decision would be frequently violated.

In the provisions of the Common

and the provisions of our Bill of Rights, and of the very basis of our Government, it is believed that no case, prior to that of

your Petitioner, is reported in Pennsylvania, of a refusal of this writ to a party restrained of his liberty, except the case of *ex parte Lawrence*, 5 Bin, 304, in which it was decided that it was not obligator on the Court to issue a second writ of *habeas corpus*, where the case had been already heard on the same evidence upon a first writ of *habeas corpus* granted by another.

The Court of Petitioner's own selection; in other words, that the statutory right to the writ of *habeas corpus* did not extend to the hearing of the first writ, and that the granting of a second writ was at the discretion of the Court. This case, therefore, appears to confirm strongly the position of your Petitioner, that he is absolutely entitled at law to the writ for which he now prays.

On the hearing, there will be endeavored to be established, on behalf of your Petitioner, on abundant grounds of reason and authority, the following propositions, viz:

1. That it is the right and duty of the Courts, and especially of the Supreme Courts of this Commonwealth, to relieve any citizen of the same of his liberty under such circumstances.

2. That imprisonment under an order of a Court or Judge not having jurisdiction over subject matter, and whose order is therefore void, is an illegal imprisonment.

3. That the party subjected to such imprisonment has a right to be relieved from it on *habeas corpus*, whether he did or did not make the objection of the want of jurisdiction before the Court or Judge inflicting such imprisonment; and that, if he did not make such objection, it is immaterial whether he were prevented from making it by ignorance of the law, or by the want of personal presence of mind, or by whatever other cause.

4. That the Courts and Judges of the United States are Courts and Judges of limited jurisdiction, created by a Government of enumerated powers; and, in proceedings before them, the record must show the case to be within their jurisdiction; otherwise, it can have none.

5. That if the record of any proceeding before them show affirmatively that the case was clearly without their jurisdiction, then can no presumption of fact be raised against such record, for the purpose of validating their jurisdiction.

6. That no writ of *habeas corpus* can be issued, to produce the body of a person not in custody under legal process, unless it is issued in behalf, and with the consent, of said person.

7. That, at common law, the return to a writ of *habeas corpus*, if it be unavailing, full, and complete, is conclusive, and cannot be traversed.

8. That a person held as a slave under the laws of our State, and voluntarily carried by his owner for any purpose into another State, is not a fugitive from labor or service within the meaning of the law of the Constitution of the United States, but is subject to the laws of the State into which he has been thus carried; and that, by the law of Pennsylvania, a slave so brought into this State, whether for the purpose of passing through the same or otherwise, is free.

9. That the District Court of the United States has no jurisdiction whatever over the question of the freedom or slavery of such person, or of an alleged abductor of him, nor any jurisdiction to award a writ of *habeas corpus*, commanding an alleged abductor, or any citizen of whom he may be assumed to be detainee, to render him.

10. That, in case of a fugitive from service or labor from another State, the District Court of the United States has jurisdiction to issue a warrant for the apprehension of such fugitive, and, in case he be rescued and abducted from his claimant, to proceed by indictment and trial by jury against such abductor, and on conviction to punish him by limited fine and imprisonment; but even in the case of a fugitive slave, said Court, nor the Judge thereof, has no jurisdiction to issue a writ of *habeas corpus*, commanding an alleged abductor, or any citizen of whom he may be assumed to be detainee, to render him.

11. That the record of any proceeding before the Court of a fugitive from service or labor from another State, the District Court of the United States has jurisdiction to issue a warrant for the apprehension of such fugitive, and, in case he be rescued and abducted from his claimant, to proceed by indictment and trial by jury against such abductor, and on conviction to punish him by limited fine and imprisonment; but even in the case of a fugitive slave, said Court, nor the Judge thereof, has no jurisdiction to issue a writ of *habeas corpus*, commanding an alleged abductor, or any citizen of whom he may be assumed to be detainee, to render him.

12. That, neither the District Court of the United States, nor the Judge thereof, has any jurisdiction or color of jurisdiction to award the writ of *habeas corpus* directed to your Petitioner, commanding him to produce the bodies of said Jane, Daniel, and Isiah, and that such writ was void; that your Petitioner was in no wise bound to make return thereto; that the return which he did make thereto was unavailing, full, and complete, and was conclusive, and not traversable; that the commitment of your Pe-

titution as for contempt in refusing to return said writ as void, illegal, and utterly null and void; that the whole proceeding, including the commitment for contempt, were absolutely *coram non justitia*.

13. That, in such opposition of one of her citizens, a subordinate Judge of the United States has usurped upon the authority, violated the peace, and derogated from the sovereign dignity of the Commonwealth of Pennsylvania; that all are hurt in the person of your Petitioner; and that he is justified in looking with confidence to the authorities of his native State, to vindicate her rights by restoring her liberty.

To be rendered, therefore, from the impos-

ture of your Petitioner, as for contempt in refusing to return the writ of *habeas corpus*, the Judge allowed the relator to traverse the said return by parol, under which permission the relator gave his own testimony, in which he stated that he held the said Jane, Daniel, and Isiah, as slaves, under the law of Virginia, and that he had brought them with him, by railroad, from the city of Baltimore to the city of Philadelphia, where he had been accidentally detained at Bloomsburg Hotel about three hours; and certain other witnessess examined. From the testimony thus given, though not at all warranted by it or the facts, the said Judge decided that your Petitioner had been concerned in a forcible abduction of the said Jane, Daniel, and Isiah, against their will and consent, upon the deck of the said steamboat, and commanding him to bring before your Honorable Court the body of your Petitioner, to do and abide such order as your Honorable Court may direct.

And your Petitioner will ever pray, &c.

PASSMORE WILLIAMSON.

Moymensing Prison, August 9, 1855.

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For the National Era.

THE LEGAL TENURE OF SLAVERY.

LETTER XXXVI.

UNFOUNDED ASSUMPTIONS, AND HISTORICAL REPUTATIONS OF THEM—Concluded.

To the Friends of American Liberty:

Such are the supposed historical facts on account of which all the well-known and established rules of legal interpretation are systematically set aside, in favor of the Pro-Slavery construction of the Constitution against which I am contending.

The hearing was adjourned to the morning of Friday, the 20th of July, at 10 o'clock, your Petitioner having had the first knowledge of the existence of any writ of *habeas corpus* before 1 and 2 o'clock on the same morning. Under these circumstances, before the said testimony was given, and afterwards, the counsel of your Petitioner took no personally active part in such supposed abduction, he had left the deck.

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